

# IMMIGRATION.

What the Press of Texas Is Saying  
of the Supreme Need of  
the State.

The People of the State Aroused to the  
Need of Action and the Co-Opera-  
tion of Railroads.

GIVE TEXAS CHEAP RATES.

St. Jo Herald: The Fort Worth GAZETTE is urging excursion rates to Texas by the railroads. Texas has done much for the railroads traversing her vast territory and the roads in turn should be as liberal towards Texas as they are towards California. By this means those who wish to come to Texas excursion or cheap rates.

PLENTY OF ROOM.

Torrell Times: The Torrell believes that Texas on the eve of a great boom, which has been inaugurated by the Fort Worth daily GAZETTE and promptly seconded by the Dallas News and the people of those cities and many other towns in the state. Torrell, to reap some benefit, must also step forward by organizing and aiding in the work of inducing the railroads to give low fares to people who would gladly come if invited to do so and the inducements were brought to their notice. There is plenty of room and plenty of good land in Kaufman county which will furnish thousands with good homes.

THE GRANDEST COUNTRY.

Marlin Bell: The Fort Worth GAZETTE and Dallas News are raising a rumpus over the Texas Traffic Association for its discrimination in passenger rates in favor of other states against Texas. The situation is simply this: The railroads make a practice of holding out extra inducements for excursionists to California and other states and in the meantime excluding the lone star shiner from the grandest country under heaven's blue canopy. Texas has accomplished very little in the way of immigration since the rube-buge constitution was adopted, and she has done so in a mean and selfish way. If the railroads should reciprocate. Certainly no state in the Union offers more favorable opportunities to the man who wants to invest in a home. An influx of immigration is what the state wants, and all efforts in that direction should meet with a hearty response from the business men and citizens of every thriving town and city in the state. THE GAZETTE is due the credit for taking the initiatory steps in this matter.

NO IMMIGRATION INTO TEXAS.

Anson Western: The Fort Worth GAZETTE and other leading journals of this state call attention of the railroads of Texas to the fact that while the people of the state gave their money and lands to the railroads, hoping they would be a common benefit, the roads are hauling people through the state at a painful absence of any such inducements to Texas, where no one is given to Texas. The result is there is no immigration coming into Texas, and the action of our Texas roads is an outrage upon the people. There must be a change and that change must come quickly.

NO ANTAGONISM OF RAILROADS.

Temple Herald: The Fort Worth GAZETTE has suggested to the fact that the people of this state and people of the state to comprehend the policy of Texas railroads giving cut rates to people going to California, and more to those coming or who would like to come to Texas. A rousing meeting was held at Dallas Saturday night, and the resolutions were passed, calling upon the railroads to do justice by Texas by giving her the benefit of cut rates for those of the old state who would like to come to Texas. There is no antagonism of the railroads by THE GAZETTE, but simply a desire on the part of the people to have the railroads of justice by Texas as well as by the railroads leading into Texas, for it is clear the prosperity of Texas is the prosperity of its railroads.

WHAT THE STATE NEEDS.

San Antonio Express: The press of Texas is beginning to recognize the fact that what this state needs is not long appeals for northern manufacturers to come here and develop our natural resources but cheap excursion rates on the leading lines of railways to Texas. Cheap rates to populated Florida in spite of natural advantages, and cheap rates to California in the Lone Star state, and cheap rates have done the same for California. It is the height of folly to advertise our want of manufacturers to men whose only idea of Texas is a howling wilderness of drought parched prairies and a few scattered communities of blood-thirsty desperado armed with six-shooters and bowie knives. Bring the wealthy pleasure seekers of the north to our pleasant homes, let them see what we are and what we possess and there will be no need to point to them the many opportunities the state's money, whether it be in manufactures, agriculture, stock raising, or land speculations.

GALVESTON INTERESTED.

Galveston News: As will be noticed from a call in the local columns this morning, there will be a meeting held to-day at the Cotton Exchange looking to the promotion of immigration into Texas. The meeting is called by Colonel Moody, president of the Cotton Exchange, who is desirous of doing all possible for the best interests of Galveston and the state at large, and the design is to co-operate with the movement recently put on foot at Dallas and already so heartily entered into by a number of Texas cities. The News urges a full attendance at this meeting. In any general movement looking to the filling up of Texas with a superior class of immigrants, thorough activity is required on all hands and by other means. The city of Galveston, still the commercial emporium of the state and the second cotton exporting seaport on the American continent—should not be found absent from the list of cities working toward end. The promotion of immigration and immigration once properly sets in, will spread toward the coast counties of Texas, still sparsely settled, some of them containing lands nowhere surpassed in fertility, and all of them capable of a high degree of development. The state's future is at stake. Galveston is both directly and indirectly interested, and the News would further urge an attentive appreciation of this fact upon the people of Galveston in advance of the meeting to-day. Let Galveston by example co-operate with the other citizens of the state in behalf of this very important movement.

At Taylor.

SPECIAL to the GAZETTE.

TAYLOR, TEX., Dec. 10.—A called meeting of the tax-payers and citizens of Taylor was held this morning in the First National Bank building for the purpose of forming an immigration committee and electing delegates to attend the convention at Dallas on December 12. John Threlkett, C. H. Welch, William Elliott and J. W. Parker were appointed to draft resolutions, and a strong document was prepared and adopted, expressing hearty

Threendick, William Elliott, J. E. Tucker, J. W. Parker and C. H. Welch were appointed delegates to attend the Dallas meeting with authority to represent the desire of our citizens and a request was made that they correspond with the leading daily papers report the proceedings of the meeting and publish it abroad that Taylor was awake to the necessity of the situation. Much interest was taken in the meeting and it was hoped that the efforts of Taylor would not be lagging in rendering every assistance to encourage the good work.

At Terrell.

Special to the Gazette.

TERRELL, TEX., Dec. 10.—In reference to the immigration we have the following interview from Dr. James Orr, a prominent physician. In answer to queries he said:

Yes, I am in favor of any plan that will bring immigration to Texas, and since the railroads are so much interested in developing the improved lands along their lines, it seems strange that any step should be necessary to induce them to inaugurate a movement that will bring them so much permanent business.

What do you think of the plan of holding a state convention?

I did not think such a step necessary, as all that can be done by it could have been accomplished by town meetings over the state, however; since the convention is to be held, I am in favor of Terrell being represented. Of course the idea of a state convention was gotten up by the people of Dallas for the purpose of getting any advantage that might accrue to their city through the gathering of citizens from the different parts of the state, at the same time it is a good advertisement for them.

Certainly, we were not in favor of the convention being held at Dallas?

Oh, that makes no difference with me. I would as soon go to Dallas as anywhere, only I thought Fort Worth was entitled to it if there was to be any principal shown in the matter, as the first state started the agitation. However, there must be no unseemly contests or local jealousies displayed in this business, and I am glad the citizens of Fort Worth are falling into line with such enthusiasm and good will. Do you think the movement will be sure to succeed?

Certainly, everything is in favor of it, the railroads are interested in the movement as every settler located is worth several times as much as one hauled through to California. The people of Texas are ready for, and will encourage it, and lastly, we have the world to advertise. We have the soil, climate, water, timber and everything else to make the country attractive.

Gainesville Takes Action.

Special to the Gazette.

GAINESVILLE, TEX., Dec. 10.—A large number of leading citizens and business men assembled in the courthouse this afternoon to take some action with reference to the state convention proposed at Texas a fair show in bringing immigration to this state. Several expressed themselves warmly in favor of the movement and thought efforts should be made to bring immigrants to Texas as well as to the state. Resolutions were adopted and appointed for the convention to meet in Dallas on the 20th.

Wentworth Elects Delegates.

Special to the Gazette.

WENTWORTH, TEX., Dec. 10.—At the citizens' meeting, held this evening at 8 o'clock at the courthouse in this city, for the purpose of taking action in regard to the immigration movement and to select delegates to the state meeting at Dallas to be held on the 20th. The following citizens were selected as delegates: Colonel T. D. Lewis, Messrs. L. W. Christian, Ira B. Taylor, Captain J. A. Kidd, Hon. W. S. Pickard, J. L. Gifford, Judge John T. Harcourt, Isaac Grandin and J. Ball. Nine alternates were appointed.

At Sulphur Springs.

Special to the Gazette.

SULPHUR SPRINGS, TEX., Dec. 10.—The Merchants' Exchange met last night endorsing the immigration movement and appointed a delegation of ten men to be present at Dallas on the 20th inst. The meeting was well attended. Enthusiastic and earnest speeches were made setting forth the advantages of this movement, showing that our people are in sympathy with the enterprise and will respond liberally at the proper time.

Sweetwater Takes Part.

Special to the Gazette.

SWEETWATER, TEX., Dec. 10.—At a immigration meeting held here to-day W. H. Cowan and R. A. Musgrove were appointed to represent Nolan county at Dallas on the 20th. A resolution commending THE GAZETTE and News for their efforts was adopted, and declaring that the people of this county are in sympathy with the movement on the importance of inducing the Texas railroads to co-operate with the people of Texas in the upbuilding of the state.

Preparing to Entertain.

Special to the Gazette.

DALLAS, TEX., Dec. 10.—Dallas is making preparations to entertain a very large number of delegates to the immigration convention to be held in this city on the 20th inst. They are coming from every part of the state. People of Dallas acknowledge that the delegation of Fort Worth is a very able one.

At Ballinger.

Special to the Gazette.

BALLINGER, TEX., Dec. 10.—Our citizens are very enthusiastic over the coming immigration convention at Dallas and THE GAZETTE's efforts in behalf of the same.

Tallequah Flees for Protection.

BALLINGER, I. T., Dec. 10.—Chas. Bushhead and his body guard fled last night to Fort Gibson on warning from Senator Ross that his life was in danger. Between Tallequah and Fort Gibson Bushhead met Indian Agent Alden and demanded protection from the federal government. Alden will be here to-day to make an investigation. The city is filling up with partisans of both sides, but as yet no hostile act has occurred. Chief Moya and assistant Smith last night made speeches at a large mass meeting, in which they justified their course in taking the government.

Millionaires Use Them.

This can be said of the Batavia canned goods. In fact these men in preference to any other brands because of their being more like the natural fruits and vegetables themselves, containing as they do no trace of poisonous adulterations. Order from The Fort Worth Grocer Co.

To Advertisers.

THE GAZETTE has no further promises to make than its regular circulation for December, and it will not charge you any more for advertising in this than any other month of the year.

Diamonds, Diamonds.

A grand display at Tully's. Get him

# THE CAPITOL.

**Text of the Report of the Expert Architects—Changes Recommended in the Construction of the Dome.**

**The Building Throughout Complies with the Plans, Specifications and Contracts—A Few Minor Criticisms.**

AUSTIN, TEX., Dec. 8, 1887.  
Governor L. S. Rhea, President State Capitol Board.

SIR—We have the honor to submit the following report of the examination made and conclusions reached by us under the resolutions of your honorable board, of date December 1, 1887, as herein referred to. Resolved, that Messrs. Harrod, Clayton and Heiner, the expert architects selected by this board are hereby requested to make a thorough examination of the dome of the new capital as at present constructed, together with the plans and specifications of the construction of same, and to report at the earliest practicable moment the result of their examination, with such recommendations in regard thereto as they deem should be adopted in order to remove all doubts as to the absolute safety and permanent stability of the said dome, and after they have done this, the said experts are to have an examination of the structure and submit their report thereon; received, further, that Messrs. Lee and McLaure, capitol commissioners, and General R. L. Walker, superintendent of construction, are hereby instructed to use in their power, giving them the use of the plans, specifications and contracts and other data and information appertaining to their office, so as to enable the said architects to make an accurate and complete report.

In compliance with the instructions we have divided our work into two parts, the first of which relates to the dome and its present condition, with recommendations for its completion, and the second to a general examination of the building.

In the original design, three of the twenty panels of the dome wall were pierced by arched openings, connecting the rotunda with the main or southern vestibule, with two piers of irregular section and irregular construction between each of the openings. These were continued up through the basement and four stories, with an aggregate height of ninety-six feet. Above this was a high top of brick work of 110 feet. The wall had a width at the base of seven feet eight inches, and at the top of the dome six feet four inches. For a height ninety-six feet it was of dimension 180 stones and the remaining 100 feet ten inches of brickwork. The length of dome was carried on the two piers before mentioned, each of thirteen square feet in area. The weight was twenty-four tons at the weight imposed from twenty-seven to thirty tons per square foot in the different stories. This weight owing to their peculiar section and the material of their construction, exceeded the limit of safety in every respect.

This defect was recognized at an early period in the history of the building, and the commissioners and the superintendent, as is shown by their reports, bearing date as follows: Superintendent to commissioners, September 8, 1884; commissioners to superintendent, April 26, 1887; superintendent to commissioners, April 26, 1887; commissioners to Governor, April 26, 1887, and others on record.

Accordingly, when the advanced construction of the building made immediate repairs to the dome a part of the construction, it was decided to throw a heavy relieving arch three and a half feet wide and from five to eleven feet wide of the best material and workmanship, over the three sub-arches in order to transfer the weight of the superincumbent walls and vaults upon the piers below to the abutments on either side. This change subjected the abutments of the relieving arch to a weight of fifteen tons per square foot, while it removed a load of about double that amount from the piers between the sub-arches. From a careful examination of all the structural and economic points involved, we were firmly of the opinion that this change of construction was entirely judicious. Nevertheless, when the construction of the dome wall had proceeded nearly to the top of the exterior cornice, a slight crack about the width of an ordinary pencil line or less than the sixteenth of an inch, was observed on the intrados and on both faces of the relieving arch.

The further progress of the brickwork of the dome was promptly suspended by the commissioners and superintendent. No change or enlargement of the crack seems to have occurred since it was first noticed nor was any of the brick work around it shattered. There certainly has been no increase in the size of this crack during the time it has been open, it being the condition of affairs on our arrival, we immediately made a careful instrumental examination to ascertain: 1. If the foundation to the abutments of the relieving arch had settled. 2. If the masonry of the abutments, from the foundation to the spring line of the arch had been compressed, and 3. If the abutment had spread from the lateral thrust of the arch. We have entirely satisfied ourselves that failure had not occurred, and the three directors of the project, that the slight fracture of the arch had resulted only from a movement taking place under the adjustment of equilibrium before the masonry had set. Such an occurrence might reasonably be produced by the shifting of the old brickwork upon a newly built arch with undue haste. It is also probable that while the entire arch was doubtless under a considerable and unstable load, the immediate cause of the appearance of the crack, could be traced to the fact of the hard driving into the face of the arch of a 2x4 iron wedge, helically shaped to which the wooden cornice brackets were to be attached. We think that these causes satisfactorily explain a defect which appears only the appearance, but not the origin, of the crack of the masonry. We do not believe, particularly, that the recommendations we hereinafter make are carried out, that any increase in this crack is to be apprehended, and neither will it be observable after the completion of the brickwork of the dome, as the relieving arch was not part of the original design, and as the walls of the ventilating shafts, now serving for the abutments, were not designed for this purpose, and although they have shown no signs of failure, it is our opinion that it is prudent to include in the subsequent recommendations the insertion of strong iron rods at the spring line of the arch. We then continued our examination throughout the iron work of the dome. Whatever rigidity may be lost by substitution of brickwork for the iron recommended below, will be recovered and even increased by the introduction of additional iron bracing. In fact we would have preferred, if possible to make this substitution of iron bracing for brickwork, at an early stage in the progress of the dome wall as brick walls so cut into pieces by openings are dependent upon the iron for stiffness rather than the iron upon the brick work.

The design for the construction of the

are particularly deficient in strength. We have therefore recommended the introduction of a complete system of bracing throughout this part of the building. We are now prepared after full personal examination of the building, together with the contracts, plans and specifications, to make the following recommendations concerning the completion of the dome. They have been to some extent anticipated by the capital commissioners, and the superintendent of construction, the contractor and others familiar with the structure, all of whom have extended to us every facility for obtaining accurate information of every part of the work to be done. The following recommendations concerning the completion of the dome. They have been to some extent anticipated by the capital commissioners, and the superintendent of construction, the contractor and others familiar with the structure, all of whom have extended to us every facility for obtaining accurate information of every part of the work to be done.

1. That the brickwork of the dome, between the abutments of the relieving arch on the south side be allowed to remain at its present height.
2. That on the north side of this space be two relieving arches, the dome wall be backed up with quarter brick offsets or a 60° to the top of the balcony floor beams; and that this wall, from a line two feet below the said floor beams, be laid in mortar of one of cement to one of sand. The arches to be of the full height, and of round iron of equal section, with the parts and connections of equal strength be built in below the spring line of the arch, extending from ventilating shaft to ventilating shaft on each side, where these shall be secured by a timber plate, 4 inches thick, two inches thick, well bedded, and 3 inch nuts.
3. That immediately above the top of this brickwork, as before described, the dome ribs shall be connected on the outside by a horizontal band of 7 inch I beams. These beams shall have the flanges out from one side so as to fit closely around the rib flanges. The webs of these I beams shall be fastened to the flanges of the ribs with four rivets. A joint in them shall fall full with the rib flange. Wherever a rib flange intersects now in the rib flange laterals with a contact of the webs of the I beams with the ribs, these rivets shall be removed and replaced with other rivets through the same hole and through the web of the I beam to be bedded accurately made at the edges of the flange leaving the I beams as straight chords and with full flanges between the ribs. Between each rib these bands shall be lattice braced with 1/2 inch bar iron braces in two panels paved to the band flange and the horizontal band of I beams.
4. That a similar band be carried entirely around the outside and inside of the dome ribs at about the height marked (1) on sheet No. 33 of the original drawings.
5. That a similar band of six-inch beams be carried entirely around the outside and inside of the dome ribs, at about the height marked (2) on sheet No. 33 of the original drawings.
6. That a similar band of four-inch beams be carried entirely around the outside and inside of the dome ribs at about the height marked (3) on sheet No. 33 of the original drawings. The braces here shall be of 1/2 inch bar iron.
7. That a similar band of four-inch beams be carried entirely around the outside and inside of the dome ribs, at about the height marked (4) on sheet No. 33 of the original drawings.

9. We further recommend that the brick arches, concrete backing and encasement of the balcony floor be omitted and replaced with a steel plate, 4 inches thick, as per annex-d diagram marked E. The four bands marked E on sheet No. 33 of the original drawings shall be retained. These recommendations will amply maintain, if not increase the rigidity which will result from the proposed dome structure by the original brickwork, while the weight on the abutments of the arch will be reduced to not exceeding thirteen tons per square foot of section area. We consider that the construction of the lantern of the dome both in the interior and exterior shall be carried out accurately follows the design, is defective. The attention of the Commissioners we called to this in a letter from the superintendent of construction dated November 27, 1887. We recommend therefore:

1. That the eight light beams up right be of the same angle as the cast iron on both faces, accurately fitted, six feet long with sixteen and three-fourth inch screw bolts in two ways.
2. These same uprights shall each have at their base two braces of four inch round iron, one angle cast iron, bent for six inches to the proper angle and secured to the I beam and to cast iron rim by two three-fourth inch screw bolts—all as per annexed drawing marked D.
3. The ends shall be diagonal braces of 1/2 inch angle iron, secured by rivets at the crossings, in form of the panels of the lantern above the second balcony. Their ends shall be secured as in the previous recommendation; all as shown in the accompanying drawing, marked D.
4. The lantern shall be secured by diagonal sway braces of one inch round iron, with sleeve nuts, at right angles across the lantern as indicated by the dotted line on sheet No. 33 of the original drawings. The ends shall have welded eyes and be secured to the I beams, fastened to the faces of the 1/2 inch I beam uprights, with four rivets each.

### 2. GENERAL REPORT ON THE BUILDING

We consider that under the instruction relating to the second part of our duty we are required to report whether the work as far as it has progressed is in compliance with the plans and specifications. No opinion whether any changes therein are advisable. In order to do this it is necessary to know exactly what the plans and specifications now are, as many changes have been made to them. The superintendent of construction and members of the capital commission have been elected. We have all been examined by us with care in passing upon these changes. It is important to remember that it was impossible under the terms of the law, that they could be made, if involving any addition to the cost of the building. Improvements could be made, except by the omission of some part of the work of equal money value, but of less structural or decorative importance. With this restriction in view, and after a careful examination of the plans and specifications, we are of opinion that they have been carefully and judiciously made, that they were to the interest of the state, and that their aggregate results are an improvement to the Capitol in its architecture and construction.

We have observed the following defects in the building and make recommendations for their correction:

1. The two galleries around light shaft over the library are weak, although built according to the plans and specifications. They will deflect and vibrate so as to break the glass plates beneath. We recommend that the beams here serving as trimmers and trimmer heads be doubled and bolted together. To do this it will be necessary to remove and replace the galvanized iron, cornice and some of the brick floor arches.
2. The plan of the galleries in the House and Senate chambers is already slightly cracked, although additional supports beyond that provided in the original plans and specifications has been given them. Owing to the vibration that they

their long spans and live loads, no ceiling will ever prove satisfactory in the provision except of some metallic substance.

3. The plans and specifications provided for a ceiling under the main stairs of cast iron, while other stairs of nearly equal prominence and importance are left uncalled for. We think a change would be advisable and applicable to all cases. All these stairs should be paneled or celled with galvanized iron, instead of one with cast iron. Besides, the crudeness which will result from leaving the stairs other than the main flight under the bath, at the main flight under the bath, as the main flight under the bath can be obtained in galvanized than in cast iron.

4. In several cases steam supply pipes pass through door casings or in too close proximity to other woodwork. Wherever this is the case, they should be removed and placed in a more secure position.

5. The galvanized iron work of the dome and lantern is well done, and in accordance with the plans and specifications. But we believe it will be found practically impossible to make it perfect enough to justify the extra cost. We therefore recommend that protection be made, such as galvanizing iron floors on the upper interior balconies, with protective pipes, to arrest and carry off any leakage water that may find its way in.

6. A few stones broken since they have been in place as we were informed, observed. These must, of course, be replaced before the completion of the building. In a general examination of the building to ascertain how far the plans, specifications and contracts were complied with, we found many places where the work has progressed so far that many of the constructional features of the building are covered up; and that on the other hand nearly all the finishing and decorative work has in an entirely incomplete condition.

7. We carefully examined the work as it exists, as to materials and finish, verified the dimensions of the building generally, and of its details, and saw many places arbitrarily selected by us, uncovered and cut into the brick rubble and dimensions given thereon, and into the concrete. We made this investigation with reference not only to the responsibility resting upon us, but also to the charges made against the work on the building as set forth in communication filed with the Governor and Council on May 10, 1897. We found the masonry in all cases to be thoroughly substantial of each kind. Store similar to the samples, both rubble and dimension, and most excellent brick, are laid with well filled joints. The masonry is well proportioned throughout the work. The rolled and cast iron work is of excellent quality and well fitted and put together.

8. The plastering, glass, openings, floors and other work comply fairly with the drawings, specifications and contracts, and are suitable to the dignified object to which they form a part.

In no case have we been able to discover the defects charged, or evidence of their existence, other than those already expressed or implied in the criticism at the foundation which was shown herebefore. Therefore, in conclusion, it is our opinion that the building thoroughly complies with the plans, specifications and contracts, evincing the intelligence and conscientious care of those in charge of the work, and when completed will be a worthy capital of a great state.

[Signed] B. M. HARROP,  
N. J. LAYTON,  
EUGENE T. HEINER,  
Examining Architects.

**SHOULD REMAIN INOPERATIVE.**

The Drummers Should Be Unmolested Under the Supreme Court Case

Waco, Tex., Dec. 9, 1897.  
To the Editor of the Jaeger:

I notice the letter from State Comptroller McCall in which he says he will still enforce the drummers' tax until the Supreme court of the United States declares it unconstitutional or the state Legislature repeals the same. A great many people will fail to notice that Mr. McCall's letter was written November 1st, 1897, and that the decision of the United States court for Texas had decided the Section case, still it is all the same. According to his letter he will take no notice of any decision short of the Supreme court of the United States. As I was writing especially to the fair-minded press and people of the state and let them see just why the traveling men are making the fight and the grounds for doing the same, and hope the press throughout the state will let them hear from them editorially. We mailed our letter to the editor of the Waco Tribune-Sun, and the editor of the State-Supreme court in the case of Robbins vs Shelby County Taxing district of Tennessee, which was rendered March 1887, where the Tennessee law was not exactly the same as in Texas, still the decision was the same, as well as the same decision could cover another as it is very seldom you will find any two cases identical y the same in every respect. The Tennessee law read as follows: Chapter 36, §19—State of Tennessee, 1881, enacting that "All drummers and peddlars having a license or license number of business in the taxing district of Shelby county," offering for sale, or selling wares, or merchandises within by sample, shall be required to pay to the county trustee, the sum of \$1 per week or \$25 per month for such privilege."

You will see in the Tennessee law taxes foreign drummers only, but Justice Bradley says the above law applies to persons soliciting the sale of goods or doing business individually or through agents, and so far as it applies to them it is a regulation of commerce among the states and violates the constitution of the United States which grants to Congress the power to make such regulations.

The power granted to Congress to regulate commerce among the states, includes the right to prohibit taxation in its character, or admit only of uniform system of regulation, notwithstanding the failure of Congress to exercise that power in any case as an expression of its will that the subject-matter of the constitutional prohibition in positions upon it by the several states. The principal question argued before the Supreme court of Tennessee was as to the constitutionality of the act which imposes a tax on drummers, and that court decided that it was constitutional and valid. That the question before us is and it is one of great importance to the people of the United States, both as respects their business interests and their constitutional rights. Here the drummers' tax which comes under the heading of police power, which restricts the sale of articles deemed injurious to the health or morals of the community, and then goes on and says: But in making such internal regulation passing through the state, or coming into it merely for a temporary purpose, especially if connected with interstate or foreign commerce. Any such taxation or regulation of the latter character would

power given to Congress over the subject.

In view of these fundamental principles which allow to govern our decision, we may approach the question of the right to be admitted to us in the present case, and inquire whether it is competent for a state to levy a tax or impose any other restriction upon the citizens or inhabitants of other states for selling and retailing their goods in such state before they have introduced therein. Do not such restrictions affect the very foundation of Inter-state trade? How is a manufacturer or a merchant of one state to sell his goods in another state, unless he can obtain some orders therefor? May he not be obliged to send them to a venture without knowing whether there is any demand for them? This may undoubtedly be safely done with regard to some products for which there is always a market, and for which the ordinary course of trade has established a general and unlimited demand. A raiser of farm produce in New Jersey or Connecticut, or a manufacturer of leather or woodenware may perhaps safely take his goods to the city of New York and be sure of finding a ready sale, and a profitable market. There are now hundreds, and perhaps thousands, of articles which no person would think of exporting to other states without first procuring orders for them. It is true, the merchant manufacturer in one state may erect or hire a store or warehouse in another state in which to place his goods and await the chances of being able to sell them, but this would require a warehouse or a store in every state with which he might wish to trade. [Surely he cannot be so imprudent as to do this.] It is a prudent and expensive course. In certain branches of business it may be adopted with advantage. Many manufacturers do open houses or places of business in other states than those in which they produce their goods, and there they keep on sale, but this is more for convenience and not of compulsion, and would neither suit the convenience nor be within the ability of many others engaged in the same kind of business, and would be entirely unsuited to many others, and would be a great inconvenience, then what shall the merchant or manufacturer do who wishes to sell his goods in other states? Must he sit still in his factory or warehouse and wait for people of those states to come to him, and then he will be a silly and ridiculous proceeding. The only other way is, and the one, perhaps, which most extensively prevails is to obtain orders from persons residing or doing business in those other states. But how is a merchant or manufacturer to secure such orders, if those states are not to be taxed by such states for doing so? Who shall limit the tax? It may amount to prohibition. To say that such a tax is not a burden upon Inter-state commerce is to speak at least inadvisedly without due attention to the truth of things.

To say the tax, if invalid as against drummers from other states operating as a discrimination against the drummers of Tennessee against whom it is conceded to be valid is no argument for its validity as against the drummers of Tennessee, and if it does so will have no power to tax those of other states it acts of its own free will, and it is the author of such discrimination. As before stated, the state may tax its own internal commerce, but that does not make it any the less a tax upon Inter-state commerce. The judgment of the Supreme court of Tennessee is reversed and the plaintiff in error must be discharged, says Justice Bradley.

After reading that opinion of the Supreme court of the United States for such a case, I am not surprised that the Texas case in all its vital points Attorney-General Hogg in his argument tried to hold, because there were three of the justices of the court who did not agree with Justice Bradley, that the authorities would not hold or consider such a tax as a burden upon commerce as authority. But right here as the worthy Attorney-General accused drummers of going into lawyers' offices and telling them what was the law, I call his attention to both the 13th and 14th Amendments reported to him. He had in two cases where he only refer to but quote from the Robbins decision and that decision is but nine months old. We have no fear but when the United States Supreme court will decide the Ascher case in our favor, but when we do we shall have to pay in the sum of \$10,000 into the State Treasury while the case is pending (for it may be a year before the case is decided), without any other dollar the state collects from the time of the decision. I am not sure that we might say from the Robbins decision that the United States Supreme court which was March 7, 1887, is collected illegally, and if it were an individual who was trying to do such a thing it would be a case of blackmailing cases, for he would be simply an outlaw, and the traveling men shall pay this tax unless they are willing to lose a month's time from their business to say nothing of going to jail and the expense of a similar suit to Stockton's. Is there any reason to believe that we are to make the rule the same way and order the state to keep its hands off of every foreign drummer who goes to the same expense and trouble as Stockton? According to the judgment and order of the United States Supreme court, the drummers of this state and has the same advantages of other men, without the least fear of being arrested or molested for selling his goods, while the rest of us have got to pay our \$35 into the state treasury or to go to jail and lose a month's time. I am not sure that we are not a blackmailing scheme. I would like to know what the state was given time, and did come into the Stockton case, and made her a party through her Attorney General. They brought out all the points of law, but they have not taken an appeal from the decision, and I think that we know of, consequently I consider the law in justice to the traveling men, not only in regard to the foreign but home men, should remain inoperative. We do not blame Mr. McCall for the part he played, as he is only doing his duty, and the Attorney General was defended by the case did his duty, and did it as we perhaps as he could. We respect an honor his office, but the man who is not filling it shows that his ideas of doing it above an ordinary prosecution. The case I hear was simply a case of upon one of us to find out whether or not it was constitutional or not, and his abuse of Stockton and the traveling men in general was entirely uncalled for and was condemned in the estimation of the traveling men, drummers themselves but the large majority of our business men of the state. The traveling men of to-day will compare as favorably all around as perfect gentlemen as any profession of men you will find. There are, of course, black sheep but you will find them in every profession, and even they will get into high state offices by a scratch. The traveling men respect and honor the law and officers of whatever state they are in, where those law are not in direct conflict with the constitution of the United States and directed as an imposition on them.

[Signed] T. F. A.

The Cheapest of All.

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